

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Eric D. Blanding,

Plaintiff,

v.

Walmart, Inc. d/b/a Walmart Marketplace
and Walmart.com, et al,

Defendants.

CIVIL ACTION
NO. 23-5142

ORDER

AND NOW, this 20th day of March 2025, upon consideration of Walmart Inc.'s Motion to Dismiss Plaintiff's Fourth Amended Complaint for Failure to State a Claim (ECF No. 77), and UBesGoo, Ltd.'s Motion to Dismiss Plaintiff's Fourth Amended Complaint for Lack of Personal Jurisdiction and/or Failure to State a Claim (ECF No. 78), it is **ORDERED** that UBesGoo's Motion is **GRANTED** and Walmart's Motion is **GRANTED in part** and **DENIED in part**:

1. All claims against UBesGoo are **DISMISSED without prejudice**;
2. The claims against Walmart in Counts 2, 3, 5 and 6 are **DISMISSED with prejudice**. The claim for strict liability in Count 1 and the claim for breach of the implied warrant of merchantability in Count 4 may proceed to discovery.

BY THE COURT:

/s/ Gerald J. Pappert
Gerald J. Pappert, J.